

Remarks

Application Data Sheet

In the decision of Jan 16, 2003, on the petition, the Petition Examiner recommended filing an *Application Data Sheet* to supply the Inventors' residence and post office addresses. Accordingly an *Application Data Sheet* was provided, on Sept 8, 2003. The present procedure indicates that only non compliant parts of that amendment won't be entered. Accordingly we assume the *Application Data Sheet* was entered.

The application has been amended to meet the Examiner's objections.

At the time the invention[s] were made, all the inventors were obligated to assign their inventions to the assignee. An assignment was executed for the invention[s] in the provisional application, including all continuations and divisions.

Claims

The Examiner rejected claims 1-6 and 10-13 variously under 102 or 103.

Accordingly we have cancelled those claims.

The Examiner deemed claims 7-9, 14 & 15 allowable if amended to include the limitations of their base claims. Accordingly, in the Amended Claims:

Claim 1 was cancelled with its limitations now included in claims 7 and 15.

Claims 2-4 were cancelled.

Claim 5 was cancelled, but its limitations are now included in claim 7.

Claim 6 was cancelled, but its limitations are now included in claim 7.

Claim 7 was amended as independent to include the limitations of independent claim 1 and dependent claims 5 & 6.

Claim 8 is original, dependent on allowable 7.

Claim 9 is original, dependent on allowable 8.

Claim 10 was cancelled and amended into dependent 14.

Claim 11 was cancelled and amended into dependent 14.

Claim 12-13 were Cancelled.

Claim 14 was amended as independent to include the limitations of claims 10 & 11.

Claim 15 was amended as independent to include the limitations of claim 1.

Conclusion

The rejections and objections having been overcome by amendment, the Examiner is earnestly solicited to withdraw the rejections and objections and to allow the application to issue.

Should any impediments to allowance remain, the Examiner is invited to call the Applicant's Attorney, Christopher B. Garvey at 1 516 365 9802, for an interview. The Commissioner is authorized to credit any overpayment and charge any deficiency to deposit account 03-2468.

Respectfully submitted,

12/14/03

Christopher B. Garvey, Reg. No. 31,015

Attorney for Applicants

Customer Number 23974

Due: 12/21/03 C



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,041	02/14/2002	Vincent Roca	Rosa POP 77	8523
<div>23974 7590 11/21/2003</div> <div>NOLTE NOLTE & HUNTER CHRISTOPHER D GARVEY 1077 NORTHERN BLVD ROSLYN, NY 11701</div>				
<div>EXAMINER</div> <div>HARRIS, ANTON D</div>				
<div>ART UNIT</div> <div>PAPER NUMBER</div> <div>2831</div>				

DATE MAILED: 11/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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10-081041

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

Notice of Non-Compliant Amendment (37 CFR 1.121)

This amendment filed on 9-8-03 is considered non-compliant because it has not been submitted in the format required under 37 CFR 1.121, as amended on September 8, 2000 (see 65 Fed. Reg. 54603, Sept. 8, 2000), and 1230 O.G. 77, Sept. 19, 2000).

- ☐ 1. The amendment does not include a clean version of the replacement paragraph(s)/section(s). 37 CFR 1.121(b)(1)(u).
- ☒ 2. The amendment does not include a marked-up version of the replacement paragraph(s)/section(s). 37 CFR 1.121(b)(1)(ii).
- ☐ 3. The amendment does not include a clean version of the amended claim(s). 37 CFR 1.121(c)(1)(i).
- ☐ 4. The amendment does not include a marked-up version of the amended claim(s). 37 CFR 1.121(c)(1)(ii).
- ☒ 5. There are two sets of same claims

☐ **PRELIMINARY AMENDMENT:** Unless applicant re-submits the preliminary amendment in compliance with revised 37 CFR 1.121 within **ONE MONTH** of the mail date of this letter, examination on the merits may commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

☐ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above mentioned reply appears to be *bona fide*, applicant is given a **TIME PERIOD** of **ONE (1) MONTH** or **THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

For your convenience, attached to this correspondence is a copy of an informational flyer (MPEP Bookmark Bulletin on "Simplified Amendment Practice").

D. Martin - 703-206-0174
Legal Instruments Examiner

Diane